

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

George Stewart, on behalf of himself §
and others similarly situated, §
§
Plaintiff, §
§
v. § Case No. 5:23-cv-00007-H
§
Texas Tech University Health §
Sciences Center, et al. §
§
Defendants. §

DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME

TO THE HONORABLE U.S. DISTRICT JUDGE JAMES WESLEY HENDRIX:

Defendants Texas Tech University Health Sciences Center, Lori Rice-Spearman, Steven Lee Berk, Lindsay Johnson, Hollie Stanton, and Jeri Moravcik (collectively, "Defendants") file this Unopposed Motion for Extension of Time, respectfully requesting the Court to extend Defendants' deadline to file a responsive pleading. On July 17, 2024, this Court granted in part and denied in part Defendants' Motion to Dismiss. ECF No. 57. The Court also granted Plaintiff leave to amend his complaint, which was subsequently clarified to permit Plaintiff thirty days (from July 17, 2024) to file an amended pleading. Ex. A (email from Ms. Braun on July 18, 2024). Plaintiff therefore has until August 16, 2024 to file an amended complaint.

Under Federal Rule of Civil Procedure 12(a)(4), Defendants would ordinarily be required to file a responsive pleading to Plaintiff's original complaint within fourteen days of the Court's ruling on the Motion to Dismiss. However, given that Plaintiff may file an amended pleading in this matter, Defendants request that their deadline to file a responsive pleading be extended to fourteen days after Plaintiff either (1) files an amended pleading or (2) permits August 16, 2024 to pass without filing an amended pleading.

Defendants believe this requested extension is in the interest of justice and promotes general efficiency for the Court and the parties. Counsel for Defendants has conferred with lead counsel for Plaintiff regarding this requested extension, and Plaintiff is unopposed.

CONCLUSION & PRAYER

For the foregoing reasons, Defendants respectfully request this Court to extend their deadline to file a responsive pleading in this cause until fourteen days after the earlier of the following events: (1) Plaintiff files an amended complaint, or (2) August 16, 2024 passes without Plaintiff having filed an amended complaint.

Respectfully submitted.

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Counsel for Defendants

CERTIFICATE OF CONFERENCE

I hereby certify that on July 26, 2024, I conferred via telephone with Jonathan Mitchell, lead counsel for Plaintiff, who informed me that Plaintiff is unopposed to the relief requested in this motion.

/s/ Benjamin S. Walton
BENJAMIN S. WALTON
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2024, a true and correct copy of this document was electronically filed using the Court's CM/ECF system, which will send notification of such filing to the following counsel of record:

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